

City Council
Atlanta, Georgia

06-O-1799

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-06-80
Date Filed: 7-11-06

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **396 Piedmont Avenue, N.E.** be changed from the C-5-C (Central Business Support) District to the C-5-C (Central Business Support) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 50, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

CONDITIONS FOR Z-06-80 for 396 Piedmont Avenue, N.E.

APPROVAL conditioned upon a site plan dated 7-10-06 entitled "Renaissance Square" by Niles Bolton Associates, Inc. and marked received by the Bureau of Planning July 11, 2006 and

General

1. These conditions of rezoning shall replace all existing conditions of rezoning for the property located at 396 Piedmont Avenue NE.

Definitions:

2. As used herein, Sidewalk-Level shall be defined as any floor of a building with a finished-floor elevation less than or equal to five feet above the adjacent sidewalk or less than or equal to five feet below the adjacent sidewalk.
3. As used herein, Storefront Treatment shall be a Sidewalk Level design that:
 - a. Does not provide a length of façade without intervening fenestration or entryway exceeding 20 feet unless required by the Bureau of Buildings.
 - b. Provides fenestration for a minimum of 75 percent of the length of a Sidewalk Level facade:
 - i. Beginning at a point not more than three feet above the sidewalk, to a height no less than ten feet above the sidewalk or,
 - ii. Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three or more feet above the sidewalk or
 - iii. Beginning at a point not more than sidewalk level, to a height no less than ten feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
 - d. Does not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
 - e. Includes a minimum Sidewalk Level floor-to-floor height of 14 feet.
4. As used herein, Residential Treatment shall be a Sidewalk Level design that:
 - a. Provides doors and vertical windows arranged horizontally at the Sidewalk Level,
 - b. Provides windows for a minimum of 50 percent of the total Sidewalk Level street façade area, with each façade being calculated independently,

Relationship of Building to Street

5. Active uses are required for a minimum depth of 20 feet along the required sidewalk or provided supplemental zone, except at ingress and egress points into parking structures or loading areas. Active uses are limited to retail, office, residential, restaurant, museum, gallery, auditorium, library, hotel lobby, or cultural facility uses; all shall be serviced by plumbing, heating, and electricity.
6. Buildings shall provide either a Storefront Treatment or Residential Treatment at Sidewalk Level and adjacent to a public street.
7. A street address number shall be located directly above or beside primary building and business establishment entrances along the required sidewalk, shall be clearly visible from the sidewalk, and shall have a minimum height of six inches.

8. The primary pedestrian entrance to all sidewalk level uses:
 - a. Shall face, be visible from, and be directly accessible from the sidewalk.
 - b. Shall remain unlocked during business hours for non-residential uses.
 - c. Shall be at grade with the closest portion of the adjacent required sidewalk for non-residential uses.
 - d. The use of fire-escape, entrance-only and exit-only doors as primary entrances is explicitly prohibited.
9. Buildings with residential uses within ten vertical feet of the required sidewalk shall meet the following regulations:
 - a. All pedestrian entrances shall be linked to the required sidewalk with a pedestrian walkway a minimum of four feet wide.
 - b. Sidewalk level residential units adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with two adjacent units.
 - c. Said buildings shall have porches, stoops or wheelchair access at each sidewalk level entrance.
10. Fences and Walls
 - a. Fencing shall be permitted between the building and the adjacent street only when:
 - i. Located adjacent to sidewalk level residential units, or
 - ii. Used to separate authorized outdoor dining from the required sidewalk.
 - b. Between the building and the adjacent street:
 - i. Fences, including fences surrounding outdoor dining, shall not exceed 36 inches in height.
 - ii. Any railings or enclosures around stoops, stairs, or porches shall be 50 percent open balustrades or railings.
 - iii. Walls shall not exceed 24 inches in height, except along Piedmont Avenue where existing topography requires a retaining wall of greater height.

Sidewalks & Supplemental Zones:

11. Sidewalks shall be provided along all streets and shall include:
 - a. A minimum five foot street furniture and tree planting zone adjacent to the curb. Said zone shall be planted with street trees a maximum of 50 feet on-center. All trees shall be a minimum of caliper of three inches measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall have a minimum planting area of 40 square feet and shall not be planted in grates.
 - b. A minimum ten foot sidewalk clear zone, which shall be unobstructed by any nonpermanent element for a minimum height of eight feet.

12. Decorative pedestrian lights, where installed, shall be placed a maximum of 50 feet on center and spaced equal distance between required trees. Where installed, said lights shall be located within the street furniture and tree planting zone. All said lights shall be Atlanta Type "C" as approved by the Director of the Bureau of Planning.
13. Outdoor dining and potted plants may encroach a maximum of two (2) feet into the sidewalk clear zone, subject to the following:
 - a. No element shall be attached to the required sidewalk in any way;
 - b. Outdoor dining may not be separated from the rest of the sidewalk with planters, fencing or similar barriers; and
 - c. Outdoor dining is permitted within the street furniture and tree planting zone, subject to subsections a and b above.
14. A minimum supplemental zone of five feet shall be provided between the sidewalk and the building along Piedmont Avenue. Said zone may be paved or landscaped. Retail display windows or residential bays may project into the supplemental zone but shall not cover more than two-thirds of its horizontal area.

Dumpsters and Mechanical Features:

15. Dumpsters shall be screened so as not to be visible from any adjacent sidewalk. In addition, all external dumpsters shall be enclosed with opaque walls eight feet in height.
16. Building mechanical and accessory features:
 - a. Shall be located to the side or rear of the principal structure and shall not be visible from the required sidewalk.
 - b. When located on rooftops shall be incorporated in the design of the building and screened with materials similar to the building.
 - c. Shall not be permitted within the Supplemental Zone.
 - d. Loading docks entrances shall be screened with automatic doors so that said docks and related activities are not visible from the adjacent required sidewalk

c: Steve Cover, Commissioner, DPCD
Alice Wakefield, Director, Bureau of Planning

RCS# 481
8/21/06
4:05 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

06-O-1790 THRU 06-O-1811 (1-22)

REFER

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

City Council
Atlanta, Georgia

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SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

EXHIBIT "A"

TRACT A:

ALL THAT TRACT or parcel of land lying and being in Land Lot 50 of the 14th Land District, City of Atlanta, Fulton County, Georgia, said tract or parcel being more particularly described as follows:

To find the Point of Beginning, commence at a point at the intersection of the Easterly Right-of-Way line of Courtland Avenue (70 foot right of way per Ga. D.O.T. Project No. I-75-2(88)) and the Northerly right-of-way line of Ralph McGill Boulevard (66 foot right of way per Ga. D.O.T. Project No. I-75-2(88)) if said right-of-way lines were extended to form an intersection instead of a miter.

Thence North 01 degrees 02 minutes 25 seconds East for a distance of 53.90 feet along the Easterly right-of-way extension of Courtland Avenue to a concrete right-of-way monument found.

Thence North 01 degrees 02 minutes 25 seconds East for a distance of 128.19 feet along the Easterly right-of-way line of Courtland Avenue to a 1/2" iron pin set, said 1/2" iron pin set being the Point of Beginning.

Thence North 01 degrees 02 minutes 25 seconds East for a distance of 183.65 feet continuing along the Easterly right-of-way line of Courtland Avenue to a drill hole set in concrete at the intersection of the Southerly right-of-way line of Currier Street (50-foot right of way).

Thence North 88 degrees 19 minutes 10 seconds East for a distance of 230.29 feet leaving the Easterly right-of-way line of Courtland Avenue and along the Southerly right-of-way line of Currier Street to a pk nail set.

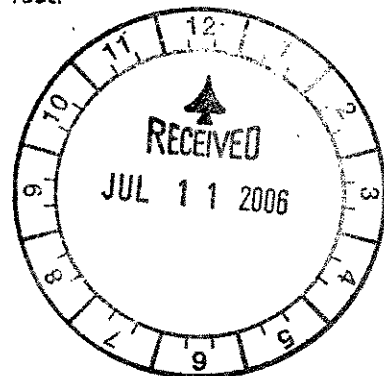
Thence South 00 degrees 24 minutes 17 seconds West for a distance of 22.31 feet leaving the Southerly right-of-way line of Currier Street to a pk nail set.

Thence North 89 degrees 12 minutes 28 seconds West for a distance of 80.92 feet to a point;

Thence South 00 degrees 49 minutes 11 seconds West for a Distance of 171.35 feet to a point.

Thence North 89 degrees 10 minutes 42 seconds West for a distance of 150.02 feet to a 1/2" iron pin set on the Easterly right-of-way line of Courtland Avenue, said 1/2" iron pin set being the Point of beginning.

Said tract or parcel contains 0.5803 acres, or 29,635 square feet.



Tract B:

ALL THAT TRACT or parcel of land lying and being in Land Lot 50 of the 14th Land District, City of Atlanta, Fulton County, Georgia, said tract or parcel being more particularly described as follows:

To find the Point of Beginning, commence at a point at the intersection of the Easterly Right-of-Way line of Courtland Avenue (70-foot right of way per Ga. D.O.T. Project No. I-75-2(88)) and the Northerly right-of-way line of Ralph McGill Boulevard (66 foot right of way per Ga. D.O.T. Project No. I-75-2(88)) if said right-of-way lines were extended to form an intersection instead of a miter.

Thence South 84 degrees 19 minutes 36 seconds East for a distance of 47.79 feet along the Northerly right-of-way line extension of Ralph McGill Boulevard to a concrete right-of-way monument found.

Thence South 84 degrees 19 minutes 36 seconds East for a distance of 263.67 feet along the Northerly right-of-way line of Ralph McGill Boulevard to a drill hole set in concrete, said drill hole set in concrete being the Point of beginning.

Thence North 00 degrees 49 minutes 11 seconds East for a distance of 100.40 feet leaving the Northerly right-of-way line of Ralph McGill Boulevard to a 1/2" iron pin set.

Thence North 89 degrees 03 minutes 07 seconds West for a distance of 3.68 feet to a 1/2" iron pin set.

Thence North 00 degrees 49 minutes 11 seconds East for a distance of 49.24 feet to a 1/2" iron pin set;

Thence North 89 degrees 03 minutes 07 seconds West for a distance of 29.89 feet to a 1/2" iron pin set.

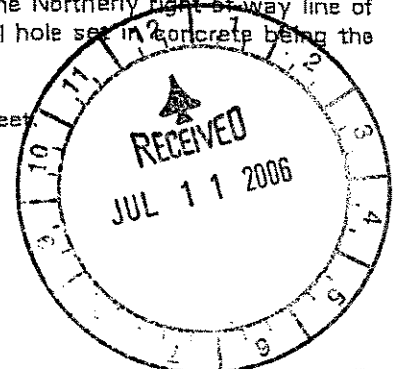
Thence North 00 degrees 49 minutes 11 seconds East for a distance of 249.40 feet to a pk nail set on the Southerly right-of-way line of Currier Street.

Thence North 88 degrees 19 minutes 10 seconds East for a distance of 277.89 feet along the Southerly right-of-way line of Currier Street to a drill hole set in concrete at the intersection of the Westerly right-of-way line of Piedmont Avenue (80-foot right-of-way).

Thence South 01 degrees 04 minutes 21 seconds West for a distance of 431.81 feet leaving the Southerly right-of-way line of Currier Street and along the Westerly right-of-way line of Piedmont Avenue to a drill set in concrete at the intersection of the Northerly right-of-way line of Ralph McGill Boulevard.

Thence North 84 degrees 19 minutes 36 seconds West for a distance of 243.03 feet leaving the Westerly right-of-way line of Piedmont Avenue and along the Northerly right-of-way line of Ralph McGill Boulevard to a drill hold set in concrete, said drill hole set in concrete being the Point of Beginning.

Said tract or parcel contains 2.5198 acres or 109,761 square feet.



TOGETHER WITH those easement rights arising under that certain Declaration of Condominium for Renaissance Square Master Condominium by LNR Renaissance Square, LLC, a Georgia limited liability company, dated November 18, 1999, filed for record November 30, 1999 at 4:27 p.m., recorded in Deed Book 28063, Page 6, Records of Fulton County, Georgia; as re-recorded December 6, 1999 at 3:23 p.m., recorded in Deed Book 28104, Page 128, aforesaid Records; as amended by that certain First Amendment to Declaration of Condominium for Renaissance Square Master Condominium by and between LNR Renaissance Square, LLC, a Georgia limited liability company and Renaissance Lofts Condominium Association, Inc., a Georgia non-profit corporation, dated October 25, 2000, filed for record October 31, 2000 at 2:18 p.m., recorded in Deed Book 29624, Page 94, aforesaid Records.

ALSO TOGETHER WITH those easement rights arising under that certain Declaration of Easements and Parking Rights by Leisure Colony Management Corp., a Florida corporation, dated as of April 30, 1999, filed for record May 28, 1999 at 3:14 p.m., recorded in Deed Book 26768, Page 25, aforesaid Records. (Appurtenant to Tract A only)

TRACT C:

All area above elevation 982.2 feet as referenced to National Geodetic Survey Monument "Simpson" whose published elevation is 1016.08 feet (North American Vertical Datum 1988) and being contained within the area formed by the boundary lines more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 50 of the 14th District, City of Atlanta, Fulton County, Georgia, said tract or parcel being more particularly described as follows:

To find the POINT OF BEGINNING, commence at a point at the intersection of the easterly right-of-way line of Courtland Avenue (70 ft w/w, per Ga. D.O.T. Project No. I-75-2(88)) and the northerly right-of-way line of Ralph McGill Boulevard (66 ft w/w per Ga. D.O.T. Project No. I-75-2(88)) if said right-of-way lines were extended to form an intersection instead of a mile; THENCE South 84 degrees 19 minutes 36 seconds East for a distance of 47.79 feet along the Northerly right-of-way line of extension of Ralph McGill Boulevard to a concrete right-of-way monument found; THENCE South 84 degrees 19 minutes 36 seconds East for a distance of 263.67 feet along the Northerly right-of-way line of Ralph McGill Boulevard to a drill hole set in concrete; THENCE North 00 degrees 49 minutes 11 seconds East for a distance of 83.42 feet leaving the Northerly right-of-way line of Ralph McGill Boulevard to a 1/2" iron pin set; THENCE North 89 degrees 03 minutes 07 seconds West for a distance of 33.57 feet to a point, said point being the Point of Beginning; THENCE South 00 degrees 49 minutes 11 seconds West for a distance of 22.50 feet to a point; THENCE North 89 degrees 03 minutes 07 seconds West for a distance of 126.08 feet to a point; THENCE North 00 degrees 49 minutes 11 seconds East for a distance of 88.87 feet to a point; THENCE South 88 degrees 59 minutes 03 seconds East for a distance of 126.08 feet to a 1/2" iron pin set; THENCE South 00 degrees 49 minutes 11 seconds West for a distance of 66.23 feet to a point, said point being the Point of Beginning. Said tract or parcel contains 0.257 acres or 11,195 square feet.

